



Department of Justice

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FOR IMMEDIATE RELEASE
Thursday, January 29, 2009
www.usdoj.gov/usao/cae
Docket #: 08-cr-481-MCE

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CHINESE BUFFET OWNERS SENTENCED FOR EMPLOYING ILLEGAL ALIENS

SACRAMENTO, Calif.—Acting United States Attorney Lawrence G. Brown announced today that United States District Judge Morrison C. England sentenced RUI YANG LIN, 48, and BI XIA NI, 46, of Vallejo, Calif. today to 36 months probation and a \$36,000 fine. In addition, the defendants forfeited a family home that they owned in Vallejo that was used by them to house some of the illegal employees who worked in their restaurant. The defendants pleaded guilty to unlawful employment of aliens and concealment of a felony on October 23, 2008.

This case is the product of an extensive investigation by the U.S. Immigration and Customs Enforcement.

According to Assistant United States Attorney Kyle Reardon, who prosecuted the case, Judge England, in sentencing the defendants, gave them significant credit for promptly accepting responsibility for their crimes. Thirty-six days passed between the execution of search warrants in this case and the entry of guilty plea by the defendants. Furthermore, both defendants paid a \$36,000 criminal fine prior to today's sentencing.

LIN was a manager of Empire Buffet. The listed owner of the business was his daughter; however, LIN and his wife, NI ran most of the day-to-day operations at the restaurant. As managers of Empire Buffet, LIN and NI hired and assisted in the hiring of employees that they knew to be illegal aliens. From at least March 16, 2008, until September 17, 2008, the hiring of illegal aliens occurred regularly by Empire Buffet and was part of a pattern of activity by the business. During this time, the business hired at least 12 undocumented workers.

Until the summer of 2008, Rui Tao Lin was the owner of King's Buffet, an Asian-style buffet restaurant in Vacaville, California. Along with Ru Zhu Ren, Rui Tao Lin managed King's Buffet. Starting in the summer of 2008, Ru Zhu Ren started the process of purchasing King's Buffet from Rui Tao Lin. As the owner of King's Buffet, Rui Tao Lin hired and assisted in the hiring of employees that he knew to be illegal aliens. From at least June 2006 until on or about September 17, 2008, the hiring of illegal aliens by Rui Tao Lin occurred regularly and was part of a pattern of activity by the business. During this time, the business hired at least 13 undocumented workers. This pattern continued when Ru Zhu Ren started taking over.

In hiring undocumented aliens to work at the two restaurants, the businesses would contact an employment agency in Los Angeles to recruit Asian employees. Other employees, typically from Mexico and Central America, responded to "Help Wanted" notices placed in the businesses.

In order to accurately account for wage and employment taxes, California law requires

employers to submit quarterly California Employment Development Department (EDD) wage reports. Beginning on or about April 20, 2007, and continuing to on or about July 20, 2008, Empire Buffet's owner signed nine EDD wage reports that did not accurately account for all of the employees working at Empire Buffet. These reports were inaccurate because they did not list the undocumented aliens who had been hired and managed by LIN and NI. By failing to list these undocumented aliens, Empire Buffet was able to increase revenue at the business by hiding wage and tax information from the state of California. After being signed by the owner, the wage reports were mailed to the EDD offices in Sacramento, California.

LIN and NI knew of the need to accurately complete the EDD forms. They also knew that the wage reports were not accurate. In spite of these facts, LIN and NI did not make known to any judge or person in civil or military authority that false EDD wage reports were being submitted.

Rui Tao Lin pleaded guilty on November 14, 2008, to unlawful employment of aliens and mail fraud. Sentencing in his case is currently scheduled for February 6, 2009, before Judge England.

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